

STAFF REPORT  
December 7, 2006

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**No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility**      **ITEM 21**

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GENERAL INFORMATION:

PETITIONER	Buell Consulting, Inc. for Cellular Inc. Network Corporation
REQUEST	<b>No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility</b>
EXISTING LEGAL DESCRIPTION	Government Lot 4, except the east 410 feet, Section 4, T1S, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .08 acres
LOCATION	9200 South Highway 79
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	10/26/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

**RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the January 4, 2007 Planning Commission Meeting to allow the applicant time to submit the required information.**

**GENERAL COMMENTS: This staff report has been revised as of November 28, 2006. All revised and/or added text is shown in bold print.** The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of a 120 foot high antenna structure and equipment shelter. The applicant has also submitted a Conditional Use Permit application with the Pennington County Planning Department to allow a 120 foot communication tower in accordance with Sections 210-C-9 and 510 of the Pennington County Zoning Ordinance. The subject property is located east of South Highway 79 and north of Black Gap Road. The subject property is currently zoned General Agricultural District in Pennington County. The property located west of the subject property is zoned General Commercial District in Pennington County. The property located north of the subject property is zoned General Agricultural District in Pennington County. The property located east of the subject property

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is zoned General Agricultural District in Pennington County with a trap shooting range on the subject property. The property located south of the subject property is zoned Limited Agricultural District in Pennington County with a single family residence and accessory structures located on the property. Currently, the area for the proposed structure is void of development.

A Conditional Use Permit application has also been submitted to the Pennington County Planning Department for their review of this proposed communication facility.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". This is a public utility located on privately owned land requiring that the Planning Commission review and approve the proposed installation.

**STAFF REVIEW:** Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

**Parking:** Section 17.50.270 of the Rapid City Municipal Code requires two off-street parking spaces be provided. Section 17.50.270(G)(3) states that parking areas shall be paved and maintained so as to eliminate dust or mud. The site plan indicates a gravel surface and does not indicate any parking. Staff noted that one standard parking space and one van accessible handicap space shall be provided per Section 17.50.270 of the Rapid City Municipal Code. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

**Landscaping:** Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. Staff noted that no landscape information was indicated on the plan. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

**Design Features:** The submitted elevation drawings show the proposed tower to be 124 feet in height. The tower shall not be illuminated by artificial means or strobe lights. No advertising will be allowed on the tower. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority.

**Fire Safety:** Staff noted addressing of the structure shall be in compliance with the 2003 International Fire Code. Staff also noted that fire apparatus access appears to be in compliance with the 2003 International Fire Code.

**Engineering:** Staff noted that commercial properties are required to have a reinforced concrete

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approach and driveway openings shall not be less than 16 feet in width. Staff also noted that a detail of the reinforced concrete approach and a pavement section for the access road and parking area must be provided. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval as identified.

Drainage and Grading: Staff noted that the drainage and grading plans submitted must be designed in compliance with the Rapid City Drainage Criteria Manual and City of Rapid City Standard Specifications for Public Works Construction, 2004 Edition. Staff noted that flow arrows and contour elevations must be shown and plans must be signed by a Registered Engineer in the State of South Dakota. Staff recommends that this item be continued to allow the applicant to submit a revised grading and drainage plan for review and approval.

Co-Location: A major issue associated with cellular towers is the visual impact the structure will have on the surrounding area and the City in general. In order to reduce visual impact, the City in recent years has consistently required that new towers be constructed with the ability to co-locate other antennae in the future. To date the applicant has not provided justification for constructing the proposed tower. As such, staff recommends that this item be continued to allow the applicant to identify the locations of existing cellular towers in the area for possible co-location of the proposed antennas.

Notification: The City Council has requested that notification is sent by first class mail to property owners within 250 feet of a requested cellular tower. This has been accomplished and staff has received no comments.

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the December 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.

**This item was continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required information. As of November 28, 2006 the required information has not been submitted.**

**Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the January 4, 2007 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.**